

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

This order addresses open issues raised by recent filings and correspondence in this matter, in which sentencing was held on July 28, 2021.

1. Defense counsel has filed on the docket of this case written confirmation that the Court's cashier has received the restitution ordered by the Court. *See* Dkt. 270. As the Court's chambers have informally conveyed to counsel, the Court accordingly adjourns the hearing on this subject that had been scheduled for tomorrow, Tuesday, August 31, 2021. *See* Dkt. 267. In light of the receipt of full restitution, the Court, as earlier indicated, *see* Dkt. 263, will entertain an application to revoke or modify the restitution order issued on August 18, 2021. *See* Dkt. 264.

2. The Court will next turn attention to the application by Andrew J. Frisch, Esq., and Susan G. Kellman, Esq., to be relieved as Mr. Teman's counsel in this Court. *See* Dkt. 266. In light of Mr. Teman's expressed desire to file motions for relief before this Court that appear outside the scope of the Court's jurisdiction insofar as Mr. Teman has filed a notice of appeal in the Second Circuit, the Court regards it as productive for Mr. Teman to be represented by seasoned counsel, who are responsible, *inter alia*, for assuring that filings in this Court are

consistent with professional norms and seek relief that the Court is empowered to provide. The Court is also unaware of any distinct duties in this Court that counsel's asserted differences with Mr. Teman may prevent them from discharging. The Court accordingly will require a more substantial explanation from counsel than made to date, *e.g.*, Dkt. 266, before relieving them. The Court denies counsel's request to make this showing to a different judge. This Court is deeply familiar with this matter and, as the Court believes counsel appreciate, can be counted on to consider with care and in proper perspective and with neutrality any information which counsel disclose. The Court directs defense counsel to submit any declaration in support of their application to be relieved by Friday, September 3, 2021; any response by Mr. Teman is due Friday, September 10, 2021. Insofar as counsels' declaration and Mr. Teman's response may reveal attorney-client communications or defense strategy, they may be filed *ex parte*. The Court will arrange for them to be filed under seal.

3. The Court today, after receiving an inquiry from a person claiming to be a journalist contacted by Mr. Teman, issued an order directing defense counsel to remind Mr. Teman, *inter alia*, (1) to communicate with the Court only through counsel who have appeared for him, (2) not to attempt to contact the Court through actual or fictitious journalists, (3) that, with the exception of submissions relating to counsel's pending motion to withdraw, the Court will not docket *pro se* submissions by Mr. Teman, and (4) that with Mr. Teman's having filed a notice of appeal, the Second Circuit has jurisdiction over any challenge Mr. Teman may make to his sentence. Dkt. 271. Defense counsel thereupon submitted an *ex parte* letter – which the Court will file under seal – stating that although counsel agree with the Court on these points, they are unable to communicate the Court's message to Teman as a result of a breakdown in communications with him. To comply with the Court's order, however, it is unnecessary for

counsel to verbally communicate with Teman. The Court directs defense counsel to serve its order at Dkt. 271 on Mr. Teman forthwith, and thereafter to file an affirmation of such service on the docket of this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 30, 2021
New York, New York